

Substitute for Form PTO-1390		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 034123-170	
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>				U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 1.2em; font-weight: bold;">10/550730</div>	
INTERNATIONAL APPLICATION NO. PCT/US04/11333		INTERNATIONAL FILING DATE 12 APRIL 2004		PRIORITY DATE CLAIMED 11 APRIL 2003	
TITLE OF INVENTION  METHODS AND COMPOSITIONS FOR TREATING ATHEROSCLEROSIS					
APPLICANT(S) FOR DO/EO/US Joseph L. WITZTUM; Mi-Kyung CHANG; Gregg J. SILVERMAN; Peter X. SHAW; and Christoph BINDER					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission to items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (22) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>					
Items 11 to 21 below concern document(s) or information included:					
<ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A FIRST preliminary amendment.</li> <li>14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information: <u>PCT Request; Application Data Sheet; and Return Receipt Postcard</u></li> </ol>					

U.S. APPLICATION NO. (If known, see 37 CFR 1.51) <b>10/552330</b> To Be Assigned	INTERNATIONAL APPLICATION NO. PCT/US04/11333	ATTORNEY'S DOCKET NUMBER 034123-170
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21. <input checked="" type="checkbox"/> Applicant(s) requests that the published application include the following assignment information: <u>The Regents of the University of California, 1111 Franklin Street, 5th Floor, Oakland, California 94607-5200</u>        22. <input checked="" type="checkbox"/> The following fees are submitted:	<b>CALCULATIONS PTO USE ONLY</b>
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Basic Filing Fee (1631)				\$ 300.00	
Surcharge of \$130.00 (1617) for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	32	-20 =	12	x \$50.00 (1615)	\$ 600.00
Independent Claims	11	-3 =	8	x \$200.00 (1614)	\$ 1,600.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360.00 (1616)	
Examination Fee				+ \$200.00 (1633)	\$ 200.00
Search Fee				+ \$500.00 (1632)	\$ 500.00
App. Size Fee (add \$250.00 for each add'l 50 sheets exceeding 100 sheets)					
TOTAL OF ABOVE CALCULATIONS					\$ 3,200.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				+	\$ 1,600.00
				SUBTOTAL =	\$ 1,600.00
Processing fee of \$130.00 (1618) for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					\$ 0.00
				TOTAL NATIONAL FEE =	\$ 1,600.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 (8021) per property +					
				TOTAL FEES ENCLOSED =	\$ 1,600.00
				Amount to be refunded:	
				charged:	

a. ☐ A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 02-4800 in the amount of \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this sheet is enclosed.


d. ☒ Charge \$ 1,600.00 to credit card. Form PTO-2038 is attached.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Burns, Doane, Swecker & Mathis, L.L.P.  
 Suite 400  
 402 W. Broadway  
 San Diego, CA 92101-3542  
 (619) 446-5600

  
 SIGNATURE  
 \_\_\_\_\_  
 Michael P. Reed  
 NAME  
 \_\_\_\_\_  
 45,647      October 11, 2005  
 REGISTRATION NO.      DATE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Joseph L. WITZTUM

Application No.: To be Assigned

Filed: Herewith

For: METHODS AND COMPOSITIONS FOR TREATING  
ATHEROSCLEROSIS

**DECLARATION OF MAILING BY "EXPRESS MAIL"**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Kim A. Cabello declares as follows:

1. I am an employee of Buchanan Ingersoll, LLP. My business address is:  
  
12230 El Camino Real  
Suite 300  
San Diego, CA 92130  
(858) 509-7300
2. On October 11, 2005, I deposited in the mail "Express Mail Post Office to Addressee" service of the United States Postal Service, the contents of the envelope for which "Express Mail" receipt No. EV 793 689 788 US was issued addressed to MAIL STOP PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
3. Attached hereto is a true copy of the Express Mail receipt No. EV 793 689 788 US.
4. I hereby declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patents issued thereon.

Date: October 11, 2005

  
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Kim A. Cabello

EV793689788US